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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 January 1992, at 10 a.m.

Chairman: Mr. SOLT (Hungary)

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The meeting was called to order at 10.10 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. The CHAIRMAN said that, after considering the various suggestions for organizing the work of the session, the Bureau proposed a provisional timetable which could be revised later in consultation with the coordinators of the various regional groups.

2. The Bureau also recommended that, as in previous years, agenda items 4 and 9 should be grouped together, as should agenda items 5, 6 and 14 and, lastly, agenda items 7, 8, 15 and 16, so as to give speakers the option of dealing with those items separately or in a single intervention.

3. In view of the heavy agenda and the increase in the membership of the Commission, the Bureau further recommended that the members of the Commission should be limited to one statement of 15 minutes or two statements of 10 minutes per item, and observers and non-governmental organizations to one statement of 10 minutes per item. Observer States and liberation movements mentioned in a report would be able to make one statement of 15 minutes or two statements of 10 minutes per item.

4. With regard to rights of reply, the practice followed by the Third Committee of the General Assembly, namely, limiting that right to two replies, five minutes for the first and three minutes for the second, would be observed.

5. More effective use could also be made of the limited time available to the Commission if delegations from the same regional group or several non-governmental organizations were to combine a number of statements of the same tenor into a single statement.

6. The Bureau further proposed that, as at previous sessions, the various experts and special rapporteurs should be invited to appear before the Commission to introduce studies or reports which it had requested them to prepare on the various agenda items, and that a number of distinguished personalities who had expressed the wish to address the Commission should be invited to do so.

7. If he heard no objection, he would take it that the Commission wished to adopt the various proposals made by the Bureau, together with the provisional timetable for the forty-eighth session.

8. It was so decided.

9. Mr. HESSEL (France) said that, while he welcomed the detailed information which the Chairman had provided on the organization of the work of the Commission, he was deeply concerned at the delay in making the working documents available in French. The provisional agenda, for example, had been distributed in English in November 1991, but the French text had been made available only a few days previously. Moreover, the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1992/18 and Add.1) which had been prepared in French, was currently available in English only.

10. The CHAIRMAN said that the Bureau was aware of the problem but that, unfortunately, the explosion of documents that required translation and circulation had led to a backlog. He assured the delegation of France that every effort was being made to address his legitimate concerns.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (A/46/65, 282 and 522; E/CN.4/1992/6 and 7)

11. Mr. MARTENSON (Under-Secretary-General for Human Rights), introducing agenda item 4, said that the question of the violation of human rights in the Arab territories occupied by Israel had been on the agenda of several United Nations organs since 1968. Those organs had repeatedly condemned the human rights violations affecting the civilian population in the occupied territories and had stressed the need to adopt measures to ensure the effective protection of basic rights and freedoms in those territories.

12. Since the start of the Palestinian uprising against occupation more than four years previously, a further deterioration in the human rights situation had been observed and the United Nations organs dealing with that issue had consistently stressed the need to initiate urgent measures to halt that dangerous trend and to arrive through negotiations at a comprehensive, just and lasting settlement of the Arab-Israeli conflict that would take into account the rights of all peoples in the area.

13. In its twenty-third report to the General Assembly (A/46/522), the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories had concluded that the life of the Palestinian and other Arab population in the occupied territories seemed to have been reduced to the level of mere subsistence. The Chairman of the Special Committee, in his statement to the General Assembly at its forty-sixth session, had expressed the hope that the historical process which had been initiated by the Madrid Conference on the Middle East would pave the way for the achievement of a comprehensive, just and lasting settlement of the Arab-Israeli conflict.

14. At its forty-seventh session, the Commission had adopted resolutions 1991/1 A and B and 1991/2, with the intention of again considering the item at its forty-eighth session as a matter of priority. The Commission had also requested the Secretary-General to ensure the widest possible dissemination of the two resolutions and to report to the Commission on the subject at its forty-eighth session. The Commission thus had before it the report of the Secretary-General on the implementation of those resolutions (E/CN.4/1992/6), together with a note by the Secretary-General, also requested by the Commission, listing all United Nations reports, issued between the Commission's sessions, that dealt with the conditions in which the population of the Palestinian and other occupied Arab territories was living (E/CN.4/1992/7).

15. Lastly, gravely concerned at the large-scale establishment, by the Israeli Government, of settlers, including immigrants, in the occupied territories, the Commission had adopted resolution 1991/3 in which it reaffirmed that such installation of Israeli civilians was illegal and

constituted a violation of the relevant provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. It urged the Government of Israel to abstain from installing settlers in the occupied territories.

16. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had also addressed the question at its forty-third session in resolution 1991/6.

17. At its latest session, the General Assembly had considered the periodic reports (A/46/65 and A/46/282) as well as the twenty-third report (A/46/522) of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and, on 9 December 1991, it had adopted resolution 46/47 A to G, by which, inter alia, it had renewed the mandate of the Special Committee.

18. The Special Committee had held its first series of meetings from 7 to 10 January 1992. In the course of those meetings, it had taken note of recent developments in the occupied territories and had, in particular, communicated to the Secretary-General its grave concern at the decision to deport 12 Palestinians from the occupied territories. The Committee had also decided on its programme of work for 1992, which would again include a visit to the area, planned for late April/early May. It had further examined and adopted a periodic report prepared in pursuance of resolution 46/47 A.

19. Mr. LIOR (Observer for Israel) said that the 12 months that had elapsed since the previous session of the Commission had been marked by dramatic events, one of which had been the change in Israel's position in the international arena. Many of the old misconceptions and prejudices had given way to bilateral contacts and renewed diplomatic relations with countries from all continents and it was not too far-fetched to hope that, before long, there would be an exchange of ambassadors between Israel and its immediate Arab neighbours.

20. The momentous visit of President Sadat to Israel in 1977 had immediately resolved 50 per cent of the outstanding issues between the two countries. His message of reconciliation and peace, seen and heard on television by hundreds of thousands of Israeli citizens, had dissipated a further 40 per cent of the problems. The final 10 per cent had been ironed out during direct negotiations and an historic peace treaty had been signed 18 months later.

21. President Sadat knew several things that seemed to have since been forgotten: that the people of Israel, desperately in search of security, needed, above all, reassurance; that no amount of rhetoric or political verbiage would suffice and that he had to demonstrate in deed that he was publicly and unconditionally ready to accept Israel; that there had to be face-to-face meetings, without intermediaries; and that it was essential to pay mutual visits and not travel to distant locations to obscure the reality of direct contacts.

22. President Sadat had also charted the way, during the Camp David negotiations, for the other Arab countries, as well as for the Palestinians. A step-by-step process had been outlined which foresaw, inter alia, a gradual

transfer of authority, local elections, transitional periods, and confidence-building measures. Finally, almost 10 years later, the two sides had started to meet around the peace table in Madrid, Washington and, that very morning, Moscow. Some unexpected, but welcome, guests were also there. The Chinese, for example, were taking part in the effort to help Israelis, Jordanians, Palestinians, Kuwaitis, Saudis, the GCC States and other Arab States to solve a panoply of Middle East issues, such as water-sharing, disarmament, economic cooperation and the environment, thereby reshaping the geopolitical landscape of the region.

23. Difficulties, particularly during the first encounters, were to be expected. Matters of procedure and substance overlapped and decades of suspicion and distrust required time to overcome. Extremists in the region were also waiting to castigate the negotiators for alleged "concessions". Nevertheless, the principal parties had resolved to persevere and not give up. Nothing was more encouraging than that.

24. While the centre of the stage was currently in Moscow, the Commission, meeting in Geneva, could also make a contribution by offering encouragement and approval, thereby providing an atmosphere of tranquillity and confidence for the negotiators who would greatly benefit from a non-confrontational ambiance. No discordant notes or belligerent oratory were called for at the current juncture. The Commission should permit the peacemakers to talk quietly without distracting background noise and should divorce itself from the pattern of acrimonious speeches and irritating resolutions, which made not the slightest contribution towards a settlement of the Middle East dispute.

25. He therefore wished to appeal solemnly to the members of the Commission, including the new States which had joined it for the first time, to reflect on the promising developments elsewhere and to join the forces which were attempting to usher in a new era of peace to the war-stricken Middle East.

26. Mr. BENHIMA (Observer for Morocco) said that the international developments over the previous decade had raised hopes that the world was about to witness a new international order in which certain chronic cases of injustice would disappear, particularly those concerning the freedoms and rights of individuals and peoples. Foremost among such cases was that of the Palestinian people, whose fate over the previous 25 years of occupation by Israel had aroused universal condemnation. The Palestinians in the occupied territories had been rendered helpless by the unparalleled oppressive practices to which they were subject. Their fates were determined by the will of Israel, which expelled those whom it did not wish to see on the land it had usurped and imprisoned those who demanded justice and an end to their mental and physical subjugation.

27. The intifada was therefore a natural and automatic response in the face of an intolerable situation which contained the seeds of a great explosion. The men, women and children of the occupied territories had no other means by which to express their rejection of the brutal occupation under which they lived.

28. Regrettably, the situation in the occupied Arab territories was characterized by collusion betweeen the Government of Israel and the extreme right wing. News reports had indicated that armed militias were accompanying settlers in the West Bank and Gaza Strip in order to implement the recent order of the Israeli Minister of Defence concerning the arming of settlers in the occupied territories and granting them permission to shoot any Palestinian suspected of committing a crime. The collusion between the political authorities in Israel and settlers had been denounced in all international forums, even by the friends of Israel. In particular, the expulsion of 12 Palestinians from the occupied territories in early December 1991 had been universally condemned as a violation of international law and an obstacle to a political settlement of the question.

29. It was a source of surprise that right-wing parliamentarians in Israel should be demanding increased allocations for religious teaching while at the same time supporting opposition forces that were infringing upon sanctities of the Palestinian people by attacking those institutions which symbolized their history and culture.

30. In that connection, King Hassan II of Morocco, as President of the Committee on Jerusalem (Al-Quds), had condemned the sabotage by Israel of the Sharia Court in Jerusalem, which had led to the disappearance of some centuries old royal decrees. At its fourteenth special session, the Committee on Jerusalem had also examined ways of countering the attempt by Israel to remove the subject of Jerusalem from the agenda of the next round of negotiations between the parties. While King Hassan supported the current peace initiative, he took that view that the fate of the holy city of Jerusalem was of concern to Muslims and Christians everywhere. The Committee on Jerusalem was therefore not prepared to make any concessions on that issue.

31. The entire world had welcomed the commencement of the historic negotiations between the parties to the Middle East conflict, which had lasted for 44 years, and his delegation was encouraged by the willingness of the parties to take seats at the negotiating table. However, any solution to the conflict must be a comprehensive one and must include guarantees for all the rights of the Palestinian people, must put an end to the settlements in the occupied Arab territories and must stop the inflow of Jewish immigrants into Palestine. Unfortunately, Israel regarded those points as non-negotiable and was continuing its settlement policy. Under the pressure of the extreme right, the Israeli Government had budgeted US$ 450 million in 1992 for new settlements.

32. The issue of the settlements was crucial, because they constituted an attempt to uproot the Palestinian people and destroy its identity. The international community must prevent the Judaization of the occupied territories, including Jerusalem and must increase its pressure to make Israel comply with the relevant international resolutions, implement the Fourth Geneva Convention in all the occupied Arab territories and facilitate the work of the International Committee of the Red Cross in them. Israel must also allow missions sent by the United Nations to enter the occupied territories and investigate the situation in the camps and prisons there.

33. The situation in occupied Syrian Golan and in the parts of Lebanon occupied by the Israelis was equally fraught with danger, and the international community must not lose sight of the oppression of their inhabitants.

34. Mr. AL-ADJOURI (Observer for Palestine) noted that the recently adopted Security Council resolution 726 (1992) had unanimously condemned Israel's deportation of Palestinians from their land, had called upon Israel to allow those deported to return home and reiterated that the Fourth Geneva Convention was applicable in Palestine, Jerusalem and the other occupied Arab territories. Earlier resolutions adopted by the General Assembly and the Commission on Human Rights had condemned the human rights violations committed by Israel as war crimes.

35. The twenty-third report of the Special Committee (A/46/522) had found a marked deterioration of the situation in the occupied territories. Following the Gulf conflict, the occupation authorities had intensified their arbitrary practices. Since the start of the intifada, more than 2,000 persons had been killed, thousands more injured, and thousands of women had aborted. The Israeli authorities continued to impose administrative detention, destroy homes, impose curfews, expropriate land and shut down shops and schools. Inhabitants wishing to leave the area had been prevented from doing so. The settlement policy was backed by armed settlers. In that connnection, his delegation drew attention to the 1991 report by Amnesty International on the occupied territories.

36. The Palestinians had been the victims of human rights abuses for more than 20 years, and their right to self-determination and to live in peace in their homeland continued to be violated.

37. Mr. AL-JADIR (Arab Organization for Human Rights), said that Israel's policies in the occupied Arab territories had resulted in the deaths of hundreds and injuries to tens of thousands, the demolition of houses, the expropriation of land and resources, curfews, deportations and a growing number of settlements, in blatant disregard of the Fourth Geneva Convention, in particular article 49 of that instrument, which prohibited the deportation of persons from occupied territories. The recently adopted Security Council resolution 726 (1992) stressed that the Fourth Geneva Convention was applicable in all the occupied territories, including Jerusalem, and Israel had been called upon not to deport Palestinians and to let all deportees return home.

38. More than 120,000 Jews had been settled in Jerusalem and 3,000 in Gaza since 1967, and 12,000 new dwellings were planned in 1993 for the West Bank. Israel encouraged Jews from all over the world to immigrate to Israel while, at the same time, preventing Palestinians from returning to their country in flagrant violation of article 12 of the international Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights. Clearly, Israel was not taking peace negotiations seriously if it continued to violate the rights of the Palestinian population.

39. The international community must protect the Palestinians through the creation of a Palestinian State and intervention by the United Nations legal and administrative authorities to ensure the rights of the Palestinian population, especially the refugees. United Nations forces must also provide physical protection for the Palestinians. If the Organization could send more than 500,000 troops to the Gulf, surely it could send 1,000 to Palestine to guarantee the stability of the region and the success of the peace negotiations.

40. Mr. SHARAF (Jordan) said that there had been a deterioration in the human rights situation of the Palestinian people as a result of the inhuman Israeli suppression of unarmed inhabitants resisting foreign occupation. The Israeli authorities were deliberately seeking to crush the valiant intifada.

41. The report of the Special Committee (A/46/522) provided vivid information on the persons killed, injured and imprisoned, among whom were many old people, women and children. Conditions in the prison camps were appalling. The practice of administrative detention was so widespread that scarcely a family still remained unaffected. Houses had been destroyed, agricultural products confiscated, schools shut down, curfews imposed and innocent citizens expelled, the most recent case of 12 expulsions having been unanimously condemned by the Security Council. The Israeli Government continued to ignore the acts of violence carried out by settlers against Palestinians. In a new escalation, Israeli security forces were shooting at demonstrators suspected of throwing stones.

42. As the occupying Power, Israel had special obligations towards the Palestinian population. The Commission on Human Rights had the moral responsibility to protect the inhabitants of the occupied territories. Israel had annexed Jerusalem and the Syrian Golan and had openly announced its intention of stepping up its settlement policy; the international community must denounce that violation of international law.

43. There would be no solution in the Middle East until Israel withdrew from the occupied Arab territories and recognized the right of the Palestinian people to self-determination. His Government was in favour of a just peace and would continue to participate in Arab efforts to find an honourable solution to the Middle East question.

The meeting rose at 11.40 a.m.